

B'S'D'

To: Parsha@YahooGroups.com
From: crshulman@aol.com

INTERNET PARSHA SHEET
ON EMOR - 5761

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From: Don't Forget[SMTP:sefira@torah.org] To: Counting The Omer Reminder List Subject: Day 34 / 4 weeks and 6 days

Tonight, the evening of Friday, May 11, will be day 34, which is 4 weeks and 6 days of the omer.

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From: Shushi Schenkolewski shushi@shemayisrael.com To: Peninim Parsha

Subject: PENINIM ON THE TORAH BY RABBI A. LEIB SCHEINBAUM
PARSHAS EMOR

And they (the Kohanim) shall not take/marry a woman divorced by her husband. (21:7)

It seems like a clearly stated halachah - a Kohen may not marry a divorced woman. Horav Shneur Kotler, zl, related the following story which was cited by Rabbi Pesach Krohn. It is a classic that demonstrates the sincerity of a simple Jew and the depth of understanding a rav or posek, halachik arbiter, must have of both the subject and the petitioner who asks the question. Horav Chaim Ozer Grodzenski, zl, the preeminent gadol hador, leading Torah scholar and leader of Pre-World War II Europe, was once giving a shiur, lecture, to a group of young men in his home, when a man came running in and interrupted. "Rebbe," he asked, "ich bin a Kohen; meg ich nemen a gerushah?" "I am a Kohen; may I take a divorced woman?"

The students were understandably disturbed by this interruption. How does someone have the chutzpah, audacity, to disturb Rav Chaim Ozer's shiur for such an elementary question? The Torah clearly states in no uncertain terms that a Kohen may not marry a divorced woman. What aspect of the prohibition did he not understand?

Rav Chaim Ozer looked up at the man, thought for a moment, and responded: "Ya, ihr mekt nemen a gerushah." "Yes, you may take a divorced woman."

The students were shocked at this response. How could the great sage render such a decision that clearly contradicted the Torah? They were bewildered, to say the least. Yet, Rav Chaim Ozer continued with the shiur as if nothing had occurred. His students, however, were confused. They could not understand how their rebbe could dispense such a psak, decision.

Rav Chaim Ozer noticed that he was giving a shiur to a group of students whose bodies were present, but whose minds were definitely elsewhere. He said to them, "You are probably wondering about my

psak. Let me put your minds at rest. Did you notice the man's boots and riding gear? If you did, you would realize that this sincere, simple man was a baal agalah, wagon driver. In his simple mind, he retained that he had once heard that a Kohen may not "take" - that is, marry - a divorced woman. He understood the word "take" literally and, consequently, would not take a divorced woman as a passenger on his wagon. I am certain that a divorced woman wanted a ride someplace, and he was concerned about "taking" her because of her status. He feared violating a prohibition of the Torah.

The students, albeit faithful to their great rebbe, had a difficult time reconciling this explanation with reality. They decided to go outside to see if Rav Chaim's hypothesis was true. Sure enough, they went outside to discover that Rav Chaim had made a brilliant deduction. A woman whom they knew to be divorced was preparing to board the wagon with her packages, because the simple, but pious, wagon driver had finally been permitted to take her as a passenger.

Horav Shneur Kotler supplemented this incredible story with the following addendum. "When a rav deals with his people, he must see beyond the question and examine the questioner. More often than not, the situation is more complex than it seems. One's response is invariably dependent on a number of particular circumstances. A sheilah, religious query, is hardly ever as uncomplicated as it seems. We may add that the personality of the questioner must also be a factor in the halachic quotient. People present questions from their own perspectives, in the manner in which they want to be answered. A sagacious rav will penetrate the psyche of the questioner and perceive the question he is really asking.

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<http://www.artscroll.com/parashah.html> Parashah Talk Parshas Emor
Excerpt from DARASH MOSHE Volume II, by RABBI MOSHE FEINSTEIN, ZT"L

You shall not desecrate My holy Name (Leviticus 22:32)

After the Torah sets out various conditions which invalidate an animal sacrifice, we are told, "You shall not desecrate My holy Name," which warns us to never do something that will dishonor the Name of God. This is a very strange juxtaposition. The laws discussed in the beginning of the section are the invalidation of a sacrifice which is younger than eight days old, the prohibition against slaughtering an animal and its offspring on the same day, and the prohibition to express an intention to do a part of the Temple service outside of its proper place or consume a sacrifice beyond the allotted time. These matters would seem to have nothing in common with the warning not to dishonor the Name of Hashem. We see from this that each and every mitzvah contains in its fulfillment the element of sanctification of Hashem's Name, and in its transgression the desecration of Hashem's Name - even if done in private, when no one will know. We cannot measure and compare mitzvos. All that matters is doing the will of our Creator, and doing so sanctifies His Name. Doing the opposite by disregarding His will desecrates His Name.

From: RABBI YISSOCHER FRAND ryfrand@torah.org To: ravfrand@torah.org

"RavFrand" List - Rabbi Frand on Parshas Emor -
Dedicated This Year Le'eluy Nishmas Chaya Bracha Bas R. Yissocher Dov - In memory of Mrs. Adele Frand -

Chofetz Chaim to His Son: "To Create A Chilul Hashem, You Are Enough of A Talmid Chochom"

The Rambam (1135-1204) in his Sefer HaMitzvos (Negative

Commandment #63) defines three components of the commandment regarding Sanctification and Desecration of G-d's Name: "And you shall not profane my Holy Name" [Vayikra 22:32].

This sin is divided into three component parts. (1) Anyone who is forced to violate one of the commandments for which the requirement is 'Be killed, rather than transgress'; (2) A person commits a sin for which they have no sensual passion and derive no benefit, but their intent is only to be (spiritually) rebellious and to throw off the Yoke of Heaven; (3) A person with a reputation for piety does an action which appears in the eyes of the masses to be a sin. Even if the act is intrinsically permitted, if such a person does this act - it could be a Desecration of G-d's Name (Chilul HaShem).

The third category is speaking of a Rabbi or Talmid Chochom [scholar] or a distinguished individual, who does a perfectly permissible act, but it is an act which people do not expect from such a person. If another person did the same act, no one would bat an eyelash or think twice about it. But for a person of this caliber, it may cause a Chilul HaShem.

In his legal code, the Ramba"m is even more explicit [Mishneh Torah: Yesodei HaTorah 5:11]: "If a person who is a great Torah authority, renowned for his religiosity, does something which causes people to 'talk' (merannemim acharav), even though this is not a sin (per se), it is a Desecration of G-d's Name (which IS a serious sin)".

The Chofetz Chaim once sent his son on a mission. The Chofetz Chaim warned his son to be careful as to how he acts. For if he would act in a fashion which was even slightly inappropriate ("es past nisht") for a Torah scholar, it would be a Desecration of G-d's Name. Rav Pam relates that the Chofetz Chaim's son inquired of his father, "But, I am not a Talmid Chochom? I certainly do not fall into the category regarding which the Ramba"m writes 'a great Torah authority, an individual renowned for his religiosity...' I am a simple Jew." The Chofetz Chaim responded, "To create a Chilul Hashem, you are enough of a Talmid Chochom".

I would like to pasken a Halacha. Every visibly religious Jew today has the status of a Talmid Chochom vis a vis the Rambam's third category of Chilul HaShem. The people with whom you come into contact - be it in the supermarkets or the gas station attendants, wherever it may be - each of them looks at you as a 'Rabbi', a 'Torah Scholar', a 'Great Individual'. Today every religious Jew may be mistaken as a 'Rabbi' in the eyes of the public.

It is not fun to carry around such a title. It is a tremendous responsibility. In theory, this third category of the Rambam's list of Chilul HaShem components does not apply to every Jew. In the time of the Rambam, people knew that there were people like the Rambam, and then there were ordinary people. Therefore, the Rambam could codify a dichotomy of acceptable behavior for the masses and acceptable behavior for a great personage. Today however, regarding this halacha, everyone falls into the category of great personage. This is not my own idea. This was the ruling of the Chofetz Chaim to his son: "For this you are enough of a Talmid Chochom."

The Chasam Sofer (1762-1839) mentions in his Responsa, the pasuk [verse] "You shall be found innocent before G-d and before Israel" [Bamidbar 32:22]. (This pasuk is mentioned in the context of Moshe's response to the request of the Tribes of Gad and Reuven to receive their inheritance on the eastern side of the Jordan River.) The Chasam Sofer questions why Moshe first warned them to be clean before G-d and only later mentioned they should be clean before Israel. One would assume that the easier thing should be mentioned first and then the more difficult thing. The Chasam Sofer infers that we learn from here that it is easier to be deemed 'clean' in G-d's calculations than to be deemed 'clean' in the calculations of other people.

The Chasam Sofer states that this is what is referred to in Shlomo's [Solomon's] teaching "There is no righteous person on earth who does

only good and does not sin" [Koheles 7:20]. No one can escape the suspicion and criticism of his fellow man, even for actions that G-d is willing to judge favorably. The Chasam Sofer adds that he suspects that even the Tribes of Gad and Reuven did not totally fulfill Moshe's admonition. They did fulfill the terms of the deal as Moshe specified. They went across the Jordan and led their brethren in battle. They did not return home to their inheritance until after the period of conquest and settlement of the other tribes. However, says the Chasam Sofer, despite all this, people still had complaints about the actions of these two tribes. People said, "Their families are settled already, things are calm over there across the Jordan. We are still living out of suitcases over here. The battles are still raging over here..." People find what to complain about.

The Chasam Sofer further states that it was for this reason that the Tribes on the East Bank of the Jordan were the first ones to go into Exile. Even though they technically lived up to their part of the deal and as far as G-d was concerned, they did come out 'clean'; the 'people' never forgave them. There were always complaints against them. They did not come out totally 'clean' in the eyes of Israel. And for this reason, they were the first tribes to suffer the punishment of Exile. This is a very scary thought.

I would like to end with the words of Rabbeinu Bachya (1263-1340) on this Parsha. The pasuk says "And you shall not desecrate my Holy Name, and I will be sanctified before the eyes of Israel (22:32)". This seems to be a strange symmetry. The juxtaposition of Chilul HaShem [desecration] with Kiddush Hashem [sanctification] in one breath is very peculiar.

Rabbeinu Bachya notes that the atonement for Desecration of G-d's name is the combination of Yom Kippur, suffering, and death. (Only death brings the final atonement.) He points out (as does Rabbeinu Yona and other Rishonim) that there IS an appropriate repentance for Chilul HaShem: Kiddush HaShem. It is for this reason that the pasuk here places them together. Be certain to never desecrate G-d's Name. But if you ever do it, there is one way out - Sanctification of His Name.

If a person's actions turn people off from Judaism, causing people to say, Heaven forbid, "If this is how a religious Jew acts, we want no part of it", there is still a way out: "...And I will be Sanctified before the eyes of the children of Israel". This refers to that which the Talmud says, "A person whose business dealings with his fellow man are pleasant, about him people say 'Happy is the one who learned Torah; Happy is the one who taught him Torah.' [Yoma 86a]". This demonstration of Torah's true potential, as well as the drawing of people closer to Torah allow G-d to proclaim on such people "You are my servant Yaakov, through whom I obtain Glory" [Isaiah 49:3]. This, in truth, is the only antidote possible for one who has made a Chilul HaShem.

Transcribed by David Twersky; Seattle, Washington twerskyd@aol.com Technical Assistance by Dovid Hoffman; Baltimore, MD dhoffman@torah.org These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Tapes on the weekly portion: Tape # 281, Kidush HaShem: Is 'Giluy Arayus' Ever Permitted? Tapes or a complete catalogue can be ordered from the Yad Yechiel Institute, PO Box 511, Owings Mills MD 21117-0511. Call (410) 358-0416 or e-mail tapes@yadyechiel.org or visit <http://www.yadyechiel.org/> for further information. RavFrاند, Copyright © 2001 by Rabbi Yissocher Frand and Torah.org. Torah.org depends upon your support. Please visit <http://torah.org/support/> or write to dedications@torah.org or donations@torah.org . Thank you! Torah.org: The Judaism Site <http://www.torah.org/> 17 Warren Road, Suite 2B learn@torah.org Baltimore, MD 21208 (410) 602-1350

From: RABBI YISROEL CINER ciner@torah.org To: parsha-insights@torah.org
Parsha-Insights - Parshas Emor

This week we read the parsha of Emor which begins with different restrictions that apply to the kohanim {priests} and to the animals that would be brought as sacrifices. The parsha then moves on to a detailed listing and explanation of the different holidays that make up the Jewish year. It then reiterates the lighting of the menorah that took place in the Mishkan {Tabernacle} and the arrangement of the lechem hapanim {the special loaves of bread} that were placed on the shulchan {table} each Shabbos.

The Sforno explains why this was repeated. Originally, Moshe had collected the oil and flour that was needed for the lighting and baking. At this point, the supply had been depleted. Our parsha therefore supplies instructions for the procurement of oil and flour for future kindling and baking.

"Every Shabbos day he shall arrange it (the loaves of bread) before Hashem, (it is) from Bnei Yisroel {the Children of Israel} as an eternal covenant. [24:8]"

We know that a covenant means an agreement between two sides. What was the covenant of the lechem hapanim?

The NETziv (Rav Naftali Tzvi Yehuda Berlin, zt"l) explains that the kohanim placed the lechem hapanim on Shabbos as a service to Hashem and He, in turn, sent the bracha {blessing} of abundance to all the inhabitants of Israel.

The eternal covenant refers to the covenant of Shabbos that continued throughout all of the generations, long after the Beis HaMikdash {Temple} was destroyed. On Shabbos, Israel does not involve itself in the pursuit of livelihood but enjoys the holiness of the day, partaking only in that which had been previously prepared. In return, Hashem, through Shabbos, sends His blessing of success for the following week.

This eternal covenant was shown in a beautiful way in a small town, many years ago. There was a simple man who would conscientiously attend a weekly shiur {Torah class} although he hardly understood any of the material that was being taught. Each week when he would return home, his wife would ask him to share with her what he had learned. He would sadly inform her that it had been a bit over his head. She would encourage him to keep attending and he did.

One week the Rav was discussing the mitzvah {commandment} of the lechem hapanim, explaining how it was arranged on the shulchan every week and how dear it was to Hashem. That week, he was able to follow the shiur and he excitedly returned home to share with his wife that which he had learned.

"We are simple people," he told his wife. "How can we give Hashem real pleasure? I heard," he continued, "that the twelve lechem hapanim that were arranged in the Beis HaMikdash were a very special avodah {service}. Why don't we accept upon ourselves this precious mitzvah?" His wife excitedly agreed and she lovingly prepared twelve beautiful loaves of challah {Shabbos bread}.

That Friday afternoon he brought them to the synagogue, nervously checked to make sure that no one was around, and then approached the Aron Kodesh {Holy Ark that contains the Torah scrolls}. With his eyes lifted toward heaven and an emotion-filled voice he said: "Hashem, I know how dear the lechem hapanim were to you and that they are no longer given to you. My wife has made these twelve challahs to serve as lechem hapanim. Please accept our humble offering..." He opened the Aron {Ark}, placed the challahs inside and quickly left the synagogue.

A short while later another Jew entered the synagogue and, with tears in his eyes, he too approached the Aron Kodesh. "Hashem, please help me," he begged. "Tonight is Shabbos and I have no money to buy food. Please, have compassion on my wife and children, please Hashem." In the midst of his passionate prayer, he opened the doors of the Aron and was dumbstruck by the sight that met his eyes--twelve beautiful, warm challahs. He broke down in tears, thanking Hashem for this miracle, took out the challahs and brought them home to his family.

The next day at prayers, our first Jew waited with bated breath for the Aron to be opened for the Torah reading. "Did Hashem accept our offering?" he wondered. Finally the time arrived and the doors were opened. The challahs weren't there! He could hardly contain his excitement. Hashem had accepted their offering!

The next week, with even more enthusiasm and zeal, his wife lovingly prepared another twelve challahs. He again entered the synagogue, made sure no one was around, offered his prayer, opened the Aron and placed the challahs inside.

A short while later, the other Jew again entered the synagogue. He thanked Hashem for the miracle of last week, explained that his situation hadn't changed much and asked Hashem to show His kindness again this week. He nervously opened the Aron, saw the challahs, ecstatically removed them and brought them home to his family.

The next day in synagogue, he again looked forward to the Torah reading, excitedly saw that their offering had been accepted and went home filled with a feeling of pride and contentment.

This continued for about a year and a half--close to one thousand challahs! Each week, the offering was placed and accepted. Each week, miraculous challahs fed the poor family.

One Friday afternoon, the Rav was sitting in the balcony of the synagogue. He heard someone walk in and noticed he was carrying a large bag. He watched as he approached the Aron Kodesh, offered a silent prayer and then, to his shock, began to place large challahs into the Aron. Unable to believe his eyes he rushed downstairs and demanded an explanation for this ludicrous disgracing of the Aron Kodesh. The poor, stammering Jew tried to explain that it was lechem hapanim and that Hashem had been accepting their offering each week.

The Rav, amused by the craziness of the story, invited him up to the balcony to see just how Hashem accepted his offering each week. They both watched as the other Jew entered, offered his prayer, opened the Aron and removed the challahs. The Rav again went running downstairs and demanded an explanation. This man tried to explain how Hashem would send him challahs each week for his poor family. As the matter became clarified, both men left the synagogue feeling crestfallen and the Rav returned to his studies.

That night the Rav was told in a dream that, as a consequence for disrupting this beautiful and sincere avodah {service}, he would not live out the remainder of that year. Since the destruction of the Temple, Hashem had never had as much pleasure as He had received from those offerings...

Simple people giving with all of their hearts...

Have a good Shabbos (and enjoy your challahs!), Yisroel Ciner
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<http://www.chofetzchaim.com/> CHOFETZ CHAIM: A LESSON A DAY A Simple Tool for a Difficult Task Now you can make Shmiras Haloshon a part of your life.

The Torah tells us that Shmiras Haloshon, keeping the laws of proper speech, has the power to bring blessing into our lives. That's because loving and speaking well of our fellow man is the Torah's prerequisite for serving G-d.

Learning the laws of Shmiras Haloshon every day in small portions was the method that the Chofetz Chaim recommended for every person to learn and observe this crucial mitzvah. He guaranteed that, by making

this commitment, one would merit Hashem's help in keeping this mitzvah. Join our mailing list for A Lesson A Day <http://www.chofetzchaim.com/lists.htm>

From the Introduction...

When one explores the mitzvah of proper speech, and the concomitant transgression of loshon hora, one fact becomes eminently clear: we are not dealing with business as usual. The cosmic repercussions of this issue are so intense that they have literally shaped the destiny of our people. It is hard to imagine that any religion would make so dramatic a statement as to say that G-d himself has chosen not to sit in His Home on this earth, that He has been in exile for 2,000 years, because of words that come out of our mouths.

The power we wield when we speak is far beyond what we can perceive. We think we're only exchanging a few words, when in fact, we're moving worlds.

What we will find as we explore the philosophy and laws of loshon hora is that appear to be benign pieces of information are actually the tremendously potent, key factor in our relationship to Hashem and in living our lives as Jews. Loshon hora is so powerful, in fact, that it can erase the merits of a lifetime of Torah learning and mitzvah observance.

Just as the negative consequences of speech can be so vast, the positive consequences of proper speech are even greater. The Vilna Gaon says that proper speech is the single biggest factor in determining one's portion in the World to Come. The Chofetz Chaim tells us that adherence to these halochos empowers our davening, validates our Torah learning, accesses G-d's Divine Protection and invokes the many blessings G-d, in His kindness, is waiting to shower upon us.

So, to those who are searching for a life in this world of peace and closeness to G-d and a good life in the World to Come, join us as we explore the Chofetz Chaim's works, his guide to living as a Jew.

From: Chofetz Chaim Heritage Foundation[SMTP:chofetz@chofetzchaim.com] Sent: Tuesday, May 08, 2001 12:00 AM Subject: Lesson of the day: The Shema Yisrael Torah Network has embarked on an incredible on line program where one can achieve SEMICHA through their on line program. Please fill out the form at www.shemayisrael.com. The Chofetz Chaim Heritage Foundation is dedicated to spreading awareness of the Torah's teachings on Shmiras Haloshon, the laws of proper speech, and Ahavas Yisrael, the loving bond that unites all Jews. 6 Melnick Drive Monsey, NY 10952 Tel: +1-914-352-3505 , +1-800-867-2482 Fax: 914-352-3605

Day 50: Loshon Hora: Toeles Four Categories, Seven Conditions

It is permissible to speak negatively about a person: (1) to help the person, or (2) to help anyone victimized by the person, or (3) to resolve major disputes, or (4) to enable others to learn from the mistakes of that person,

provided that: (1) one's remarks are based on first-hand information and careful investigation, and (2) it is apparent that this person is wrong, and (3) the person has been spoken to but refuses to change his behavior, and (4) the statement to be made will be true and accurate, and (5) the intent of the speaker is for a constructive purpose only (and there is a reasonable chance that the intended goal will be accomplished), and (6) there is no alternative means by which to bring about the intended result, and (7) no undue harm will be caused by the statement.

The illustrations presented below (as well as those to be discussed in the section on rechilus [gossip]) serve to clarify the application of these conditions. ***

Despair and Slander After the Spies had scouted out the Land, they became filled with despair. They told themselves, "Conquest of this land requires great and awesome merit. Our generation, which made the Golden Calf and committed other sins, surely lacks such merit." They convinced themselves that Hashem's promise to grant them the Land was

conditional on their being tzaddikim, righteous people, and they felt sure that such was not their status. The Torah relates: "Calev silenced the people toward Moshe saying, 'We shall surely ascend and conquer it, for we can surely do it!' " (Bamidbar 13:30). Our Sages explain that Calev at first posed as an ally of the Spies, so that they and the people would hear him out. He began, "Is that all that the son of Amram has done to us?" Expecting a condemnation of Moshe, the people grew silent. Calev then continued, "He took us out of Egypt, split the sea, brought us the manna, and gathered together the quail" (Rash) from Sotah 35a). Calev's intent was: Had Hashem led the Jews according to the strict measure of justice, they would never have been granted the miracles which they had already witnessed and benefited from. Even as the sea split, some demonstrated a weakness of faith, as it is written, "They rebelled at the sea, the Sea of Reeds" (Tehillim 106:7). The people had complained before being granted the manna, and at other times as well. Calev assured the people that just as they had earned G-d's compassion in the past, so too would they witness the fulfillment of His promise to bring them safely into Eretz Israel. The Spies, however, were not convinced. Lest the people be swayed by Calev's words, the Spies resorted to slander, casting aspersions upon the precious, sacred Land that was to have been their eternal inheritance.

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From: Heritage House[SMTP:heritage@netvision.net.il] To: innernet@innernet.org.il Subject: Rabbi Akiva's Students INNERNET MAGAZINE <http://innernet.org.il> MAY 2001 THE STUDENTS OF RABBI AKIVA by RABBI NOSSON SCHERMAN Lag BEOmer is May 10-11, 2001, marking the end of a mourning period for the students of Rebbe Akiva.

Historically, the time of counting the Omer was a time of rejoicing. Materially, it was the time when the crops were maturing and ripening. Spiritually, too, Jews were maturing and ripening, from the freedom of Pesach to the Torah of Shavuot.

Then, these days were plunged into mourning, as the 24,000 students of Rabbi Akiva died during this period. To comprehend the enormity of the tragedy, one must remember the history of that era. The Roman Empire had destroyed the Second Temple and held the remnants of the nation in a cruel and iron grip.

Rabbi Akiva was the greatest sage of his time, the pillar of the Oral Law, whose teaching was keeping the Torah alive among the Jewish people. It should be recalled that in his later years, the Romans forbade the teaching of the Oral Law, and Rabbi Akiva was tortured to death for defying their decree. The loss of his students, therefore, quite apart from their great number, was a calamity of historic proportions, virtually denuding the Jewish people of hope for its spiritual future.

The sin of the disciples, the Talmud teaches, was that they did not show sufficient honor to one another (Yevamot 62b). After the tragedy, mindful of what had happened before, Rabbi Akiva admonished his new students, "My sons, the earlier ones died because they begrudged one another. Be diligent not to do as they did." The new students -- there were only five -- stood fast and filled the entire world with Torah (Midrash - Genesis Rabbah 61:3).

Why was that sin punished so dramatically? Surely their shortcoming existed for a long time -- why did the punishment come just during the days of counting the Omer?

At the outset, it should be clear that great men are judged by strict standards, and Rabbi Akiva's students were surely great. Their failure to

show proper respect for one another was not in the least comparable to the sort of friction and acrimony that permeates many a contemporary academic precinct. But whatever there was should not have existed among such scholars and in the study hall of such a Torah giant. Rabbi Akiva was the epitome of loving unity among Jews. It was he who said, "Love your fellow as yourself, that is the main principle of the Torah; the rest is commentary" (Midrash - Toras Kohanim 11:12).

In the slightly different formulation of Hillel the Elder, of whose academy Rabbi Akiva was a student, "What is hateful to you, do not do to your comrade. This is the entire Torah; the rest is commentary" (Talmud - Shabbos 31a)...

It is instructive that in giving the numbers of Rabbi Akiva's students, the Talmud does not say there were 24,000. It says he had "12,000 pairs of students." The obvious connotation is that Torah study is most successful with a partner, so that, through the natural process of debate and challenge, the partners can refine their arguments and arrive at truth.

There is an additional connotation. Rabbi Akiva, the exemplar of love for others, wanted his students to think of themselves as partners, rather than as individuals.

This attitude was necessary in order for the Jewish people to acquire the Torah. In stating that Israel encamped at Mount Sinai, the Torah emphasizes that they were unified: "and Israel [in the singular] encamped there opposite the mountain (Exodus 19:2). Quoting the Midrash, Rashi comments: "[They encamped] as one person, with one heart. But all the other encampments were with complaints and argumentation."

The days of the Omer are a time when people are charged to strive for improvement as individuals, but at the same time they must strive for unity. The crescendo of argumentation in a crowded study hall is a good example of how these two seemingly contradictory impulses can be combined. The Talmud interprets the phrase "enemies in the gate" (Psalms 127:5) as referring to people studying Torah together. "Even a father and a son or a teacher and his student who are studying Torah together in one gate, [at first] become enemies of one another, but they do not move from there until they become devoted friends" (Kiddushin 30b).

When people are searching for the truth, they will dispute one another strenuously, but when they arrive at a correct conclusion, they will embrace and kiss figuratively, if not literally, the intellectual opponents who helped them find it. The enmity was not real; the love was.

Such would have been the ideal state of Rabbi Akiva's study hall: fierce argumentation leading to the truth and the shared joy and love that flows from it. This requires a balance between the striving of the individual and his responsibility to the community. The balance was lacking. His students waged the battle for personal growth, but they begrudged one another proper credit for their accomplishments, and that led them not to honor one another as they should have...

It is not unreasonable for the Torah to demand that one not be jealous of success that is not a threat to anyone. It was there that Rabbi Akiva's students fell short. Such conduct is especially grievous during the days of the Omer, the days when Jews historically strive for self-improvement while strengthening the bonds of unity and fellowship.

Maimonides teaches that a sin during the Ten Days of Repentance, between Rosh Hashanah and Yom Kippur, is worse than a sin at any other time, because those are the days when God longs for our repentance so that He can forgive our sins. At such a time, indifference to sin is especially intolerable. In this sense, the failure of Rabbi Akiva's students was much more glaring than it was during the rest of the year. The days of the Omer are a time to combine individual growth with concern for others, which is why their punishment came just during the

Omer.

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From jr@sco.com Thu May 14 09:22:16 1998 To:
mj-ravtorah@shamash.org Subject: Shiur HaRav Soloveichik ZTL on Parshas Emor [From 3 years ago] emor.98

SHIUR HARAV SOLOVEICHIK ZTL ON PARSHAS EMOR
(Shiur date: 4/22/75)

In Parshas Emor, the Torah says that there is an obligation to sanctify the name of Hashem, Vnikdashu Btoch Bnay Yisrael. The corresponding negative Mitzvah (Lo Taaseh) is stated in the first half of the verse, not to blaspheme the sanctified name of Hashem (Lo Techalelu Es Shem Kadshi). From this verse, we derive the Mitzvah of Yayhreg Val Yaavor, one should submit himself to be killed rather than transgress illicit relationships, murder or idolatry. There also are other situations when one must surrender his life, for instance during a Sheas Hashemad. If one submits himself to be killed in such situations he fulfills the Mitzvah of Kiddush Hashem. Otherwise, he violates the prohibition of Chillul Hashem.

The Rambam (Hilchos Yesodot Hatorah, chapter 5) discusses the laws of Kiddush Hashem and Chillul Hashem. He begins with the laws of Yayhreg Val Yaavor and concludes with additional situations of Chillul Hashem that cast aspersions on the Torah or its scholars. For example, a scholar who purchases on credit, or who walks 4 cubits without Tefillin. The Rambam is quoting the Gemara (Yuma 86a) which lists these examples of Chillul Hashem.

The Rav said that the Rambam intentionally connected these different sorts of Chillul Hashem in the same chapter. The Gemara (Sanhedrin 61b) quotes the Machlokes between Abaye and Rava if one worships Avoda Zara out of fear of being killed, is guilty for transgressing idolatry. Tosfos asks, if he does not violate the prohibition in this case, then why is there a Mitzvah of Yayhreg Val Yaavor?

The Rav answered Tosfos question through the Rambam. In Sefer Hamitzvos (Aseh 9), the Rambam says that there is a Mitzvah to sanctify the name of Hashem and to offer our lives in order to that the coercer not think that we have succumbed to denying our faith (Over Al Hadas), even though the Jew knows full well in his heart that he is steadfast in his faith. This is basically the story of Chana and her children where they refused to bow down before the idol even when it would have been obvious that they were picking up the ring and not worshiping the idol. Even if there would have been no transgression of Avodah Zara, one must still fulfill the obligation of Kiddush Hashem to show that the Jew cannot be coerced to surrender his faith.

The Rambam quotes the example of Chanania, Mishael and Azariah who refused to bow down before Nebuchadnezzar and were thrown into the furnace. The Rambam describes their strength at a time when all people, including the Jews, bowed before the wicked Nebuchadnezzar, and no one stood up to sanctify the name of Hashem. Rather all the people were fearful of the king and this brought great shame on all of Israel, because they had neglected and forgotten the obligation of Kiddush Hashem. Their act of Kiddush Hashem, according to the Rambam, returned the honor of Israel. The Rambam stresses that the obligation of Kiddush Hashem is paramount especially during

exceptional situations, similar to where the entire world was fearful of the king.

At Har Sinai Hashem gave the Jews the Torah through Kolay Kolos, with a tumultuous reception. Rashi comments that the second Luchos were given without accompanying fanfare, Moshe alone went up the mountain. The tumultuous manner in which the first Luchos were given was an Ayin Hara, which foretold the eventual destruction of those Luchos. The question is: why did Hashem give the first Luchos through Kolay Kolos even though He knew full well that this would foretell their ultimate destruction? The Rav explained that Hashem wanted the nations of the world to recognize the greatness of the Jewish Nation. Avraham was held in the highest regard by the nations of the world. Isaac had less prestige and Jacob even less, and ultimately his children were enslaved by their hosts, the Egyptians. Had the Jew been respected it would have been very difficult to enslave them. Hashem wanted to ensure that His chosen nation would receive the respect that the Am Hashem deserves. This was accomplished through Yetzias Mitzrayim and the first Kabbalas Hatorah soon after the exodus. The nations of the world were gripped with palpable fear, Chil Achaz Yoshvei Plashes (which Rambam says refers to Maamad Har Sinai and not the splitting of the Red Sea). All the nations recognized the greatness and uniqueness of the Jewish nation as Hashem returned the honor of Bnay Yisrael. That was the purpose of the Kolay Kolos.

After the destruction of the Beis Hamikdash, the Jews again were not respected. The honor of Am Hashem had to be restored. Hashem told Yeshayahu that the people will perform Kiddush Hashem. Chananiah, Mishael and Azariah returned the honor of the Jewish People years later by making their stand against Nebuchadnezzar and reminding the people of the Mitzvas Kiddush Hashem. Nebuchadnezzar's forcing them to bow down before the idol was Hashem's plan for restoring the honor of Bnay Yisrael, through their act of defiance.

The Mitzvah of Yahareg Val Yaavor includes the concept that the honor of Yisrael should not be diminished. That is why the Rambam includes the different forms of Chillul Hashem, be they transgressing idolatry, illicit relationships and murder or a scholar who acts in a way that brings shame on Torah and himself: both have the common property of diminishing the honor of Bnay Yisrael. According to the Rambam, when the Jew worships Avodaah Zara, even under coercion, there is still an aspect of Chillul Hashem because he has diminished the honor of Bnay Yisrael.

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http://www.torahweb.org/torah/2000/parsha/rros_emor.html
[From last year] RABBI MICHAEL ROSENWEIG
THE RELATIONSHIP BETWEEN SHABBAT AND THE
MOADIM

"Eileh moadei Hashem asher tikrau otam mikraei kodesh eileh hem moadai. Sheshet yamim teiaseh melakah..." The introductory pesukim of Parshat ha-Moadim, the section in parshat Emor that delineates the various festivals, are somewhat enigmatic. Rather than focus immediately on the cycle of holidays beginning with Pesah, as we would have anticipated, the Torah instead begins with a brief discussion of Shabbat. While Shabbat is occasionally depicted as a moed, and chagim are sometimes identified as Shabbat (Rashi, Beza 2b, Pesachim 46b, Shavuot 15b; Seforno Vayikra 19:30), the Torah's choice is certainly an intriguing one. Moreover, upon concluding its remarks regarding Shabbat, the Torah then follows with another brief introduction of the classical moadim-"Eileh Moadei Hashem mikraei kodesh ashe tikrau

otam be-moadam". Why is it necessary to reintroduce the moadim if, indeed, Shabbat is the first of the moadim, as the initial formulation implies?

Rashi and Ramban do address the link between Shabbat and the moadim implied in this parshah. Rashi (Vayikra 23:3) underscores the common bond. He derives from this connection that one who desecrates yom tov is equivalent to one who violates the Shabbat. Ramban (23:2) focuses on the contrast between Shabbat and moed. He projects that by accenting Shabbat's absolute prohibition of melakah, the Torah intends to preclude the potential misconception that heter okhel nefesh would extend to a moed that coincides with Shabbat. Notwithstanding these important insights, the Torah's initial emphasis of Shabbat in this context and the impression of a false start that follows remains puzzling.

Further scrutiny of this section reveals another intriguing facet of the Torah's presentation that may shed light on the previous difficulty. Although the concept and halakhot of Shabbat appear previously in numerous contexts (Bereshit 2:1-3; Shemot 15:22-28; 20:8-12; 23:12; 31:12-19; 35:1-3), it is only in Parshat ha-Moadim that Shabbat is defined by use of the term "mikra kodesh"! Why does the Torah wait until Emor to make this connection?

The fact is that this term, prominent and pervasive throughout the parshah, constitutes the common denominator of all the various chagim, as they are developed in Emor. Furthermore, it is this term which signifies in Parshat ha-Moadim (with the one prominent exception of Yom Kippur) both the prohibition of melakah, as well as the positive obligation to express sanctity by means of public prayer, keriat ha-Torah, fine clothing, and other such manifestations (Rashi 23:27 ; Ramban 23:2). It is striking that one expression would convey both issurim and kiyumim elements that characterize the halakhic concept of kedushat ha-yom (sanctity of the day). In the weekly kidush, Shabbat is defined as "tehilah le-mikraei kodesh".

It appears that the Torah relates to Shabbat on two dimensions. Until Parshat Emor, Shabbat is formulated in its own terms. Its primary theme is that of issur melakah, as an acknowledgement and commemoration of the act of Creation-"ki bo shavat mi-kol melakhto asher bara Elokim la-asot" (Bereshit 2:3). For this reason, one who intentionally desecrates Shabbat by engaging in melakah is deemed to be a heretic, as his actions are tantamount to a denial of Divine creation (See Rashi, Hulin 5a). However, Shabbat's status transcends this theme. As the "first" day invested with sanctity, it also became the model for other days of kedushah. Undoubtedly, this is also due to its own transcendent impact and stature. Indeed, the Ramban (Shemot 12:2; Derashah le-Rosh ha-Shanah) develops the idea rooted in the Talmud (Beza 16a) that the entire week revolves around Shabbat. This, he argues, is reflected by the fact that the days are defined by their proximity to Shabbat rather than by formal names. One could not envision a day of sanctity without invoking the Shabbat paradigm.

Parshat Emor introduces this second motif of Shabbat. Thus, the theme of "mikra kodesh", which captures the general motif of kedushat ha-yom whose paradigm is Shabbat, is first associated with Shabbat specifically in this context. It is unsurprising that this term encompasses a comprehensive agenda that includes both issurim and kiyumim, as both flow from an integrated broad concept of kedushat ha-yom modeled after the total experience of Shabbat. For this reason, the Torah in parshat Emor appropriately introduces all moadim by first invoking Shabbat qua "mikra kodesh", despite the fact that there are important elements that differentiate Shabbat from the moadim. Having provided the Shabbat background and basis for kedushat ha-zeman, the Torah then proceeds to enumerate the actual chagim. The Torah reintroduces the moadim because while Shabbat constitutes the foundation for the chagim it is not actually a moed. The relationship between Shabbat and Moed emerges as a complex one.

It is possible that the two themes of Shabbat are manifest in the very

prohibition of melakhah itself. While the mishnah (Shabbat 73a) lists 39 categories of prohibited melakhah, it is striking that the Torah broadly formulates the prohibition simply as "lo taaseh melakhah" (Shemot 20:10). There are apparently contrary indications whether the halakhah recognizes 39 distinct issurim (shemot issur), or simply 39 specific applications of one general issur. [See, for example, Shabbat 70a re. hiluk melakhah; Rashi Shabbat 72b s.v. helev ve-dam, Sanhedrin 62a s.v. helev.] Indeed, Rambam's son, R. Avraham, was queried why his father did not list 39 distinct prohibitions in his count of 613 mitzvot.

Conceivably, issur melakhah entails two distinct themes corresponding to the two dimensions that Shabbat represents. Each melakhah independently undermines and desecrates the theme of Shabbat as a specific commemoration of the cessation of "melakhah" at the culmination of the Creation. At the same time, as an integrated day of kedushah dedicated to man's spiritual obligations and aspirations, Shabbat is repeatedly violated by any act that generally falls under the rubric of melakhah. Thus, the prohibition is comprised of both 1 and 39 components.

While issur melakhah as a specific theme does not extend to the moadim (with the possible exception of Yom Kippur, for other reasons), the paradigm of Shabbat as a yom kodesh, which includes at least a general prohibition against engaging in all forms of melakhah, is certainly relevant. Thus, "mikra kodesh", conveying this general theme of kedushah ha-yom, is consistently linked throughout Emor to "kol meleket avodah lo tasu" (with the previously noted exception of Yom Kippur). The gemara (Makkot 21b) notes that while one brings multiple korbanot for violating distinct melakhah on Shabbat, one does not receive multiple malkot for distinct transgressions on Yom Tov. Perhaps this important difference reflects that only the general prohibition based upon the paradigm motif of Shabbat applies to the moadim. [On the possible connection to heter okhel nefesh and other halakhic issues, see the author's article in Beit Yizhak, no. 23 (1991), 105-126.]

Ultimately, the association between Shabbat and Moadim, conveyed in the intriguing opening of parshat ha-Moadim, also links the initial and universal act of Hashem's Creation with other crucial events, halakhic motifs, and manifestations of His Providence, including yeziat mizrayim. The fact that Shabbat, set from the beginning of time (reflected in the formula of "mekadesh ha-Shabbat"), is interconnected to the moadim whose status is determined by kelal yisrael's calendar-setting prerogative (reflected in the formula of "mekadesh yisrael ve-hazemanim"- Bezah 17a) is surely significant as well. The compelling link between all of the special days enumerated in Emor and Shabbat is mutually enhancing despite and because of the different emphases associated with each kedushah ha-yom that find expression precisely in parshat ha-Moadim.

From: Rabbi Riskin's Shabbat Shalom List parsha@ohrtorahstone.org.il
To: Shabbat_Shalom@ohrtorahstone.org.il Subject: Shabbat Shalom:
Parshat Emor by RABBI SHLOMO RISKIN

Shabbat Shalom: Parshat Emor (Leviticus 21:1 - 24:23)
By Shlomo Riskin

Efrat, Israel - The Biblical Book of Leviticus is called the 'Book of Holiness,' because it is suffused with 'varieties of holy experiences;' the supreme place of holiness, the Holy Temple, the seminal events of holiness, our Festivals, and the familial "tribe" set aside for holiness, the Kohanim - Priests.

The Hebrew word "Kadosh" or holy literally means separate and exalted, an "other" which relates to the most supreme "other one". Rudolph Otto, in his work *The Idea of the Holy*, calls the holy the numinous, the *mysterium tremendum*; mind wrestles with language to discover a proper metaphor for exploring the aspects of life most related to the Holy One, Blessed be He. Our Bible associates holiness with time

and place: On certain occasions, G-d allows us to have a special connection, a rendezvous, with Him. The festivals, Moadim, are the "dates" He makes with us to enjoy His fellowship; there are certain places in which 'we can best feel His Divine Presence', such as the synagogue and study hall, places of worship of His Name and the study of His word, all pale reflections of our destroyed Holy Temple.

Is there a difference between the holiness of time and the holiness of space? Is one 'holier' than the other? Hassidic tradition records a fascinating conversation between two 19th century giants, the Kotzker and the Voorker. The Voorker Rebbe was known for his love of every Jew, and the Kotzker Rebbe was known for his surgical precision in dissecting truth from sham. True to form, the Voorker explained to the Kotzker that when it comes to the festival of Sukkot, he prefers the mitzvah of dwelling in the sukkah to the commandment of the Four Species because when you let go of the Four Species, you let go of the sanctity, whereas in the sukkah, the sanctity grasps and surrounds us.

The Kotzker proposed that the sukkah, when compared to Shabbat, also falls short; after all, one can walk out of a sukkah, but no one can walk out of Shabbat. In effect, the Kotzker and the Voorker were debating the sanctity of time versus the sanctity of space. In praising the sukkah, the Voorker was praising the sanctity of space. The Kotzker pointed out that since space exists in a three-dimensional plane, it might be abandoned, ignored, or even destroyed. However, since time is not physical, its sanctity can never be undone, can never be destroyed. And indeed historically speaking the Jewish People could survive without the Holy Temple but could never survive without the Sabbath!

I would like to suggest that beyond the holiness of space and time, there is also a third and supreme window from which to gaze upon holiness - the human being created in the image of G-d, containing within him/her self an ineffable and inextinguishable spark of Divine holiness. After all, the human being can choose to walk out of the Sabbath - if, G-d forbid, he desecrates it by ignoring it or turning the Sabbath table into an expression of slander or familial jealousy and cruelty. After all, it is ultimately the human being who must endow the special times and special places with their holiness. Consider: once a year the highest expression of the sacred converge, when the High Priest, holiest of people, entered the Holy of Holies of the Holy Temple on Yom Kippur, the Day of Forgiveness, also known as Yom Hakadosh, the Day of Holiness. Yet Talmudic law insists that if the High Priest, on his way to the Holy of Holies, comes upon a corpse with no relative to bury him (met mitzvah) the High Priest must forego the Temple Service and bury him himself! And if such is the human body after its soul departed, how much greater sanctity is contained within a living human being, imbued with the image or shadow of the Divine. Clearly, the sanctity of the human being transcends the sanctity of time and place.

In today's world, in which we so often disregard other human beings, even and maybe especially fellow human beings in distress, - when we rarely speak to people in an elevator and we walk "through" the homeless lining some of our most affluent streets, - it is crucial that we appreciate and recognize our fellow human being as the essential ingredient of holiness, not the mysterious Other, but rather the familiar Other. We can all learn an important lesson about the basics of human holiness and comportment from the following story I heard from Mr. Mendel Reich, whose father's life in Auschwitz was saved by an extraordinary coincidence. His father, a devout Jew, was especially scrupulous about the adage in Ethics of Our Fathers to ".Receive every person with accepting warmth and joy." (3:16) Gentile, as well as Jews in the Hebrew context (Kol adam), and a ringing testimony to every individual's inherent holiness.

The Polish town where his father lived was near the German border, and each morning on the way to prayers, he would meet a German nobleman out walking his dog, and every morning Mr. Reich would be the first to warmly address his neighbor. A gutt morgen Herr Guttman, a

gezuntan tag Herr Guttman." And Herr Guttman would coolly nod in return.

Years passed, and the elder Mr. Reich was sent to Auschwitz. One day, weakened from pneumonia, he found himself on the line of selection, certain he would be sent to the left, where the crematorium awaited. As his turn neared, he began to recite the final vidui confessional. And then he was standing in front of the Nazi guard, who looked vaguely familiar.. The Jew barely whispered A gutt morgen Herr Guttman, gezuntan tag Herr Guttman. The Nazi guard looked at the Jew, and a flicker of recognition crossed his eyes. Rechts! He called out. And Mr. Reich lived.

Shabbat Shalom

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From: Young Israel Divrei Torah[SMTP:yitorah-owner@listbot.com]
Parshas Emor Young Israel Divrei Torah - <http://www.youngisrael.org>
19 Iyar 5761 May 12, 2001 Daf Yomi: Kiddushin 5

Guest Rabbi: RABBI YITZCHOK WYNE Young Israel of Las Vegas, NV

This week's parsha contains the obligation for every Jew to involve themselves in creating a Kiddush HaShem. The pasuk reads; "You shall not desecrate My Holy Name (Chilul HaShem), rather I should be sanctified among the Children of Israel (Kiddush HaShem), I am G-d who makes you holy" (Leviticus 22:32).

What is the nature of this mitzva?

The Sefer HaChinuch explains that we should be ready to offer our lives, to die for observing a mitzva. This could be a hard pill to swallow. Does the Sefer HaChinuch mean that we should be ready to give our lives at every moment in order to perform a halacha? What about all of the times that we don't execute a halacha properly out of laziness or ignorance?

We have earlier learned, "V'chai Bahem" - that he shall live by them (referring to the mitzvot) (Leviticus 18:5). The Gemara (Sanhedrin 74A) explains which mitzvot and under what circumstance must we relinquish our lives for the sake of our religion.

This pasuk, "VEchai Bahem," also identifies for us that the purpose of the mitzvot. They are to help us live! They are to enable us to live our lives in a better, more productive, more pleasurable way. The concept of having to lay our lives on the line helps us focus on the preciousness of the moment and the preciousness of doing a mitzva. In a certain sense, the Torah is telling us that if we are not involved in the performance of mitzvot, then our lives are not worth living. Otherwise, I would never be told to "live" by the mitzvot and there would never be a case that I would be obligated to die for as opposed to transgress.

While there are there are those who spend a lot of time doing mitzvot (especially those who make it to a daily minyan), much of our time is involved in other things. It has been said that the average person will spend 13-15 years of their life eating, another two years in the bathroom, four years commuting and 26 years sleeping!

When HaShem created human beings, He could have made it so that we'd spend a little or no time sleeping or eating. But the reality is that we must do a lot of mundane things! The way to have a meaningful and enjoyable life is to deal properly with the mundane. Take the every day activities of our lives, and elevate them to a Kiddush HaShem. Realize that the reason that I eat, sleep, exercise is so that I can do the mitzvot.

The mundane is mundane, but it's not trivial. It sets me up to do that which is meaningful and eternal. In Judaism we do not view any mitzva as small. The most trivial mitzva helps me acquire a portion of eternity.

If a person owns just one-half of a percent of Microsoft, they are still a millionaire. The truth is, that when we are sloppy in our performance of the mitzvot, we do create a Chilul HaShem, literally a void of HaShem, and we remove HaShem from our lives. The greater the person we are, the more awareness of HaShem that we have, the more we have to lose by not focusing on the pleasure and opportunities of the mitzvot.

The Rambam, Maimonides, writes in Hilchot Yesodei Torah (5:11): "There are other things that are a profanation of G-d's name. When a pious Torah scholar does things that cause people to talk against him, even if the acts are not transgressions, he profanes G-d's name. Examples of this are when such a person buys something and does not pay promptly, when he is able to pay, and the seller must ask him for payment; or when he does not speak pleasantly to others and does not receive them with a pleasant facial expression, but is quarrelsome and easy to anger. The greater the man, the more careful he must be with his behavior. Such a person should go beyond the letter of the law in his dealings with others. "If a Torah scholar will be careful about his behavior, will speak pleasantly to people, act friendly towards them, receive them with a pleasant facial expression, will refrain from retorting when he is insulted, will honor even those who treat him with disdain, will be honest in his business dealings, will constantly devote himself to Torah study, will always go beyond the letter of the law, and will avoid extremes and exaggerations, then he will be praised and beloved and others will desire to emulate him. This man has sanctified G-d. About him it is written: "and He said to me, ΦYou are My servant, O Israel, in who I shall be glorified" (Isaiah 49:3).

Paying attention to who we are and remembering the opportunities that HaShem constantly affords us will not only enrich our lives but will infuse meaning and pleasure to the most mundane activities.

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Kiddushin 2 THE DIFFERENT WAYS OF MAKING KIDUSHIN
QUESTION: The Mishnah teaches that a woman becomes married (Mekudeshes) through either Kesef, Shtar, or Bi'ah.

RASHI explains how the Kidushin is done in each of these cases. When a man is Mekadesh a woman with Kesef, Rashi explains, the man gives the woman money and he says, "Harei At Mekudeshes Li." When a man is Mekadesh a woman through Shtar, the man writes in a Shtar, "Harei At Mekudeshes Li," and he gives the Shtar to her. The source for these two forms of Kidushin is the Gemara later (5b and 9a) and the Tosefta (1:1). When he is Mekadesh her with Bi'ah, though, Rashi explains that the man lives with her and says, "Hiskadshi Li b'Vi'ah Zu."

There are a number of differences between the way Rashi presents Kidushei Bi'ah and the way he presents Kidushei Kesef and Shtar.

First, with regard to Kidushei Bi'ah, Rashi writes "v'Amar" -- "and he (the husband) said, 'Hiskadshi Li...'," instead of "v'Omer" -- "and he says," as Rashi writes with regard to Kidushin with Kesef and Shtar. (In the KSAV YAD of Rashi and in the RAN, the word "v'Omer" indeed appears with regard to Kidushei Bi'ah.)

Second, Rashi writes that the man must mention "b'Vi'ah Zu," while with regard to Kidushei Kesef and Shtar, the man does not have to mention the Kesef and Shtar with which he is being Mekadesh her. The RAMBAM (Hilchos Ishus 3:5) and the SHULCHAN ARUCH (EH 33) also include the words "b'Vi'ah Zu" only with regard to Kidushei Bi'ah but not with regard to Kidushei Kesef and Shtar. (The Me'iri, page 6, indeed writes that it is not necessary to say "b'Vi'ah Zu.")

Third, why does Rashi write with regard to Kesef and Shtar that the man makes the statement, "Harei At Mekudeshes Li," and with regard to Bi'ah he writes that the man says, "Hiskadshi Li" (which is a request and not a statement).

ANSWERS: The Acharonim suggest a number of reasons why Kidushei Bi'ah

might need to be specified more clearly.

(a) The BIRUREI HA'SHITOS cites the OR CHADASH who points out that the Gemara (12b) teaches that the Amora'im prohibited being Mekadesh a woman with Bi'ah because of the concern for Peritzus. Perhaps that is why Rashi writes "v'Amar," meaning to say that only b'Di'eved does the Kidushin take effect if a person was Mekadesh a woman through Bi'ah, but l'Chatchilah a person should *not* say it and be Mekadesh her through Bi'ah.

This might answer the other questions as well. Since it is prohibited to be Mekadesh a woman with Bi'ah, the woman will not suspect that he intends to be Mekadesh her with Bi'ah unless he states so explicitly, since he could be Mekadesh her with Kesef. (She will think that the Bi'ah was just an act of Z'nus.) The man must say "Hiskadshi Li" because he assumes that she probably would not agree to take part in an inappropriate form of Kidushin.

(b) The IMREI BINYAMIN cites the CHIDUSHEI HA'RIM who explains that the witnesses do not have to see the Kidushei Bi'ah itself. It is enough that they see the Yichud and hear the husband say that he intends to be Mekadesh her with Bi'ah. Afterwards, we apply the principle of "Hen Hen Edei Yichud, Hen Hen Edei Bi'ah" (Gitin 81b; see ME'IRI, page 5, who brings differing opinions regarding whether or not this rule is applied to Kidushin).

This answers all three questions. First, since the Mekadesh must say "Harei At Mekudeshes Li" in front of witnesses, and the Bi'ah is performed afterwards *not* in the presence of witnesses, Rashi says "v'Amar" -- he *already said* "Hiskadshi Li," earlier, when he was in the presence of witnesses. Second, since the man is requesting that the woman make a Kidushin *in the future*, he says "Hiskadshi" rather than "Harei At Mekudeshes." Third, since the act of Kidushin is not being performed immediately after his statement, it is not clear what form of Kidushin he is using; perhaps he thinks that Yichud alone can effect a Kidushin. Therefore, he must say, "Hiskadshi Li *b'Vi'ah Zu*."

(c) Perhaps Rashi holds that it is not necessary to say "with this Kesef" ("b'Kesef Zeh") or "with this Shtar" ("b'Shtar Zeh") in a case where the man first gives the woman the Kesef or Shtar and then, afterwards, while the woman is holding it, he says that he is Mekadesh her. This is implicit in Rashi's words when he writes that "he gives her Kesef and he says to her 'Harei At Mekudeshes.'" Since she is still holding the Kesef or Shtar, he does not have to point out what he is being Mekadesh her with, because it is obvious. Similarly, he does not have to ask her whether she wants the Kidushin; he may state simply, "You are Mekudeshes to me," and she will show her consent by not returning the Kesef or Shtar.

However, with regard to Kidushei Bi'ah, if he tells her at the time that he wants to be Mekadesh her, then her silence will not show consent because of the principle of "Yitzrah Albeshah" (Kesuvos 51b). Therefore, he must explain that he wants to make a Kidushin beforehand, so that her consent will show that she is indeed interested in Kidushin. That is why Rashi writes, "v'Amar Lah," he *said* to her, beforehand. That is why he must say "Hiskadshi Li," requesting her to agree to Kidushei Bi'ah, since the act has not yet been performed. He must say "b'Vi'ah Zu" since the act is not present and it is not clear what he intends to use as his act of Kidushin.

Nowadays, it is customary to perform Kidushin with Kidushei Kesef and still say explicitly "b'Taba'as Zo" ("with this ring"). According to what we have explained, the reason for this might be that we make the statement of Kidushin *before* giving the woman the ring, and therefore the man must specify what he will use to make the Kidushin so that it be clear that the wife understands that the Kesef (ring) is for Kidushin.

Kidushin 5b THREE PARTS TO KIDUSHIN The Beraisa suggests three expressions that can create a Kidushin: "Harei At Mekudeshes Li," "Harei At Me'ureses Li," and "Harei At l'Intu."

RAV GUSTMAN zt'l (in Kuntrusei Shi'urim 1:2) suggests that these three expressions correspond to the three types of Kinyan that Kidushin creates (see Background to Kidushin 2:1). First, Kidushin creates a Kinyan of *Ishus*, which permits a man to live with his wife and which creates a familial relationship ("She'er") between them. Second, it creates a Kinyan *Isur*, prohibiting her to everyone else in the world. Third, it creates a *monetary* Kinyan which grants the husband certain rights over the wife and her possessions, and which grants the wife the right to eat Terumah if her husband is a Kohen.

Each of these three terms that the Beraisa uses is emphasizing one of these three Kinyanim. "Mekudeshes" emphasizes the Kinyan Isur (as the Gemara says on 2b, comparing the word "Mekudeshes" to the word "Hekdesh"). "Me'ureses" represents the monetary Kinyan (which come about through the Erusin). "Harei At l'Intu" ("Behold, you are my wife") represents the husband-wife relationship. If a person uses any one of these terms it creates a full-fledged Kidushin in which all three Kinyanim take effect.

Rav Gustman adds that this might be why Rashi emphasizes that a man must say *either* "Harei At Mekudeshes" *or* "Harei At Me'ureses," because we might have thought that one must say all three phrases in order to make a Kidushin, since there are three parts to Kidushin. Therefore, Rashi points out that any one of them can make a complete Kidushin.

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